

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

TAYLOR C. BROOKS,)	
)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 05-47
)	
)	Judge Gary L. Lancaster/
USX CORPORATION,)	Magistrate Judge Hay
)	
)	
Defendant.)	Re: Doc. # 18
)	
)	

ORDER

On February 1, 2005, this case was referred to United States Magistrate Judge Ila Jeanne Sensenich for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation filed on July 26, 2006, recommended that the Defendant's Motion for Summary Judgment be granted.

The parties were allowed (10) days from the date of service to file objections. Service was made on all parties. Objections have been filed to the Report and Recommendation.

Plaintiff's objections argue that the Report incorrectly identified Karl Koscsis as an individual not involved with the decision to terminate Plaintiff, and that the Court applied a

standard which was too narrow when it evaluated the conduct of other employees. However, Karl Koscsis was not involved with the initial decision to terminate Plaintiff. Koscsis was involved in the final stage of the grievance procedure, where the company decided not to terminate Plaintiff. This portion of the grievance procedure was not at issue, and in fact no details surrounding this decision were presented to the Court.

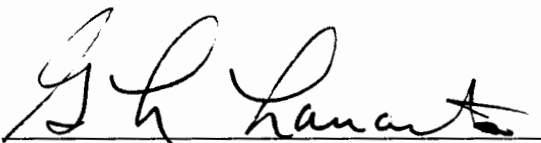
Plaintiff's second objection, that the Court applied a standard too narrow when it evaluated the conduct of the other comparators because the Court focused on the use of a racial slur instead of evaluating all profane, abusive or threatening language, is without merit. The Report provides a detailed evaluation of why the cited comparators were not similarly situated.

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation, and objections thereto, the following order is entered:

AND NOW, this 30th day of Aug, 2006;

IT IS HEREBY ORDERED that the Defendant's Motion for Summary Judgment is granted.

The Report and Recommendation of Magistrate Judge Sensenich, dated, July 27, 2006, is adopted as the opinion of the Court, as supplemented by this Order.


GARY L. LANCASTER
United States District Judge

cc: Amy Reynolds Hay
United States Magistrate Judge

All parties electronically